IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE A.K.BASHEER

THURSDAY, THE 11TH OCTOBER 2007 / 19TH ASWINA 1929

MFA.No. 459 of 2001(B)
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OPMV.1057/1997 of MOTOR ACCIDENT CLAIMS TRIBUNAL, THRISSUR
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APPELLANT: PETITIONER
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GOPALAN, S/o GOVINDAN, PAYYAKKIL HOUSE,
(PATATHAZHAMOOLA), P.O. PERAMANGALAM,
THRISSUR

BY ADV. SRI.P.V.CHANDRA MOHAN
SRI.T.VENUGOPALAN

RESPONDENTS:RESPONDENTS
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1. V.C. KURIAKOSE, S/o THOMMAN CHACKO
NECHURKARAYIL PADINJARA VARUKUNNEL,
MANIYADU VILLAGE, P.O. PIRAVOM
MUVATTUPUZHA, ERNAKULAM
2. UNITED INDIA INSURANCE CO. LTD
CITY BRANCH KUNNAMKARI ESTATE
SHANMUGHAM ROAD, ERNAKULAM
3. SELVAKUMAR, S/o KUPPUSWAMY, KARAPPAN
P.O. OMALLUR, SALEM, TAMIL NADU
4. SURENDRAN S/o BALAN, PULIKKAL HOUSE
P.O. PERAMANGALAM, AVANOOR ROAD, THRISSUR
5. UNITED INDIA INSURANCE CO.LTD.
BR. OFFICE B.O. 170801/19/2A JUNCTION
MAIN ROAD, SALEM, TAMIL NADU

BY ADV. SRI.K.JAJU BABU
SRI.PMM.NAJEEB KHAN

THIS MISC. FIRST APPEAL HAVING BEEN FINALLY HEARD ON 11/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.S. RADHAKRISHNAN & A.K. BASHEER, JJ.

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M.F.A. No 459 of 2001

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Dated: 11th October 2007

JUDGMENT

Radhakrishnan, J.

Claimant is the appellant. Accident is not disputed; so also the insurance coverage. The only question to be considered is whether the compensation awarded by the Tribunal is just and proper.

2. Learned counsel for the claimant submitted that the amount awarded is on the lower side especially when contributory negligence has been found. We find no reason to interfere with the finding of the Tribunal. Sufficient reasons have been stated by the Tribunal for arriving at that conclusion. Tribunal has awarded a sum of Rs 12,000/- as compensation for pain and suffering. Considering the injuries sustained by the claimant as well as treatment undergone in the hospital for a long time and other attendant circumstances we award an amount of Rs 3,000/- more on that head. Claimant has produced Ext A4 disability certificate issued from the Medical College Hospital, which shows that the claimant has permanent disability of 20%. Tribunal adopting a rough and ready method

awarded a sum of Rs 15,000/- under that head. Though certificate was produced doctor was not examined. Consequently the certificate as such cannot be relied. All the same, considering the injuries sustained by the claimant we are inclined to award an additional amount of Rs 5,000/- under that head. Therefore an additional amount of Rs 8,000/- is awarded which will carry interest at 7.5% from the date of petition till payment In all other respects the award would stand including the finding with regard to contributory negligence. The appeal is disposed of as above.

Sd/-

K.S. RADHAKRISHNAN
Judge

Sd/-

A.K. BASHEER
Judge

11/10/2007
en/

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